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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,875	02/24/2004	Toru Takamichi	NEC03P249-JTb	8676
21254	7590	07/25/2007	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			NGUYEN, BRIAN D	
		ART UNIT	PAPER NUMBER	
		2616		
		MAIL DATE	DELIVERY MODE	
		07/25/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.	10/784,875	
Examiner	TAKAMICHI, TORU	
Brian D. Nguyen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 2/24/04.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/24/04 & 3/9/07.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Claim Objections*

1. Claims 1, 3, 4, 6, 7, and 15 are objected to because of the following informalities:

Claim 1, lines 11, 16, and 21, it is suggested to replace “said transmission network” with --said transmission networks--. Line 16, “adapter for” is not positively recited limitation, it is suggested to delete “adapted” from the claim.

Claim 3, line 4, it is suggested to insert --forward relay line-- before “fault notification”.

Claim 4, line 4, it is suggested to replace “said client line” with --said client lines--. In lines 4, 14, 18, 20, and 25, it is suggested to replace “said transmission network” with --said transmission networks--. Line 7, it is suggested to replace “said Ethernet network” with --said Ethernet networks--. Line 18, “adapter for” is not positively recited limitation, it is suggested to delete “adapted” from the claim. It is suggested to insert --the-- before “Ethernet” in line 21 and before “client terminals” in line 22.

Claim 6, line 4, it is suggested to insert --forward relay line-- before “fault notification”.

Claim 7, line 14, it is suggested to insert --of a plurality of Ethernet paths-- after “Ethernet path”.

Claim 15, line 4, it is suggested to insert --forward relay line-- before “fault notification”.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 13 recites the limitation “the fault”. It is unclear which one of the faults mentioned in lines 10 and 11 the applicant is referring to. Line 18, “said respective capsules” and “the received frame” lack antecedent basis.

Claim 4, line 15 recites the limitation “the fault”. It is unclear which one of the faults mentioned in lines 12 and 14 the applicant is referring to. Line 21, “said respective capsules” lacks antecedent basis.

Claim 7, line 9 recites the limitation “said fault”. It is unclear which one of the faults mentioned in lines 6 and 7 the applicant is referring to. In lines 20 and 22 recite the limitation “each line”. It is unclear what lines the applicant is referring to.

Claim 10, lines 5 and 8, “each line” is unclear. Line 8, “said transmission-related K1 byte and K2 byte” lacks antecedent basis.

Claim 12, “said transmission-related K1 byte and K2 byte” in line 14, “said active route” in line 16, and “said spare route” in line 17 lack antecedent basis.

Claim 13, line 23 recites the limitation “said fault”. It is unclear which one of the faults mentioned in lines 20 and 21 the applicant is referring to.

Claim 16, line 7 recites the limitation “said fault”. It is unclear which one of the faults mentioned in lines 4 and 6 the applicant is referring to.

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4. Claims 1-16 would be allowable if rewritten or amended to overcome the objection(s) and/or the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest generating a capsule comprised of each of the fixed-length frames, a type field for notifying a fault occurring on one of the client lines, a forward relay line fault notification field for notifying a fault occurring in the transmission networks in a forward direction, and a backward relay line fault notification field for notifying the fault in a backward direction.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

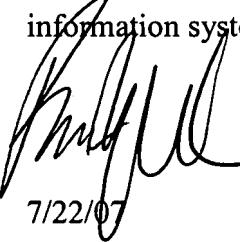
Agrawal et al (2001/0038471), Collins et al (7,190,666), Uzun (7,142,504), and Kakizaki et al (6,975,811).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BRIAN NGUYEN  
PRIMARY EXAMINER

7/22/07